

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CALVIN R. SILVA,)	
)	4:04CV3292
Petitioner,)	
)	
vs.)	ORDER
)	
HAROLD W. CLARKE,)	
)	
Respondent.)	

This matter is before the court on filing no. 40, the motion for an extension of time, filed by the petitioner. The petitioner requests an extension of time in which to file his affidavit. Petitioner's attorney states that she will be out of town when the affidavit is due. Upon review of the record, I will grant the motion, and the petitioner's affidavit received on January 24, 2006 (filing no. 41) will be deemed as timely filed.

SO ORDERED.

DATED this 17th day of March, 2006.

BY THE COURT:

S/F.A. GOSSETT
United States Magistrate Judge